IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5943 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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KAMLESH RATILAL VAKHARIYA

Versus

SMC

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Appearance:

MR CL SONI for Petitioners

Mr.Mrigent Purohit with MR PRASHANT G DESAI for Respondent No. 1

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CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 25/09/2000

ORAL JUDGEMENT :

The present petition is filed seeking relief to the effect that suitable directions be issued to the respondent Corporation, which is alleged to have been trying to make change in the scheme approved by the Honorable Supreme Court by erecting a wall on the foot path, behind the Bus Stand near fencing of southern side

of Athwa Gate Chawpati, Surat. It is also given out that earlier there were two petitions filed being Special Civil Applications Nos.5126 of 1999 and 5140 of 1999. However, the aforesaid two petitions are disposed of as withdrawn on the basis of the Resolution of the Standing Committee being placed on record of those petitions, whereby certain benefits were to be given to those petitioners.

2. Mr.Mrigen Purohit, learned advocate appearing for the respondent Corporation states that in the present case, the petitioners are not similarly situated to those of earlier petitioners, i.e. in Special Civil Applications Nos.5126 of 1999 and 5140 of 1999, and hence no relief can be granted to them. Having perused the papers and looking to the facts of this case, it is deemed fit that interest of justice will be served if the present petitioners are directed to make a detailed representation to the Commissioner, Municipal Corporation, Surat, which shall be considered by the Commissioner or by a responsible officer to whom the Commissioner may delegate powers for consideration of such representation.

3. The petitioner shall file a representation to the Corporation within a period of four weeks and the same shall be considered by the Commissioner/ responsible officer, who may be delegated the power by the Commissioner to consider the same, within a period of four weeks from the date of receipt of the representation. This direction is given looking to the peculiar facts and circumstances of this case and hence this order shall not be treated as a precedent in any other case.

4. With the aforesaid directions, this Special Civil Application is disposed of. Rule is discharged. Interim relief is vacated. No order as to costs.

25th September 2000 (Ravi R. Tripathi, J.)

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